

7-28-5

538, 969

PCT/EP2003/013216

**Translation**

PATENT COOPERATION TREATY



**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 41 408...sev	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013216	International filing date (day/month/year) 25 November 2003 (25.11.2003)	Priority date (day/month/year) 14 December 2002 (14.12.2002)
International Patent Classification (IPC) or national classification and IPC B21C 47/34		
Applicant SMS DEMAG AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 22 June 2004 (22.06.2004)	Date of completion of this report 16 September 2004 (16.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/013216

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-5 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/7-7/7 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

**2. Citations and explanations****1. Reference is made to the following documents:**

- D1: DE 198 35 110 A (SCHLOEMANN SIEMAG AG) 10 February 2000 (2000-02-10)
- D2: DE 44 42 567 A (SCHLOEMANN SIEMAG AG) 5 June 1996 (1996-06-05)
- D3: PATENT ABSTRACTS OF JAPAN Vol. 1995, No. 01, 28 February 1995 (1995-02-28) & JP 06 285711 A (CHUGAI RO CO LTD) 11 October 1994 (1994-10-11)
- D4: US-A-2 268 125 (MARTIN GEORGE A ET AL) 30 December 1941 (1941-12-30)
- D5: DE 198 56 767 A (MANNESMANN AG) 31 May 2000 (2000-05-31)

**2. The subject matter of claims 1-5 satisfies the requirements of PCT Article 33(2), (3) and (4).****Claim 1:**

Document D1, which is considered the closest prior art, discloses (see column 2, line 8 to column 3, line 57 and figures 1-3) a device for diverting strips, particularly metallic strips in a coiling device according to the preamble of claim 1.

Furthermore, document D1 discloses a deflector 10 that is arranged in a flexible manner at the downstream end of a strip transport roller conveyor that is associated with it such that said deflector unblocks the initial guide channel 5 when in the raised position and such that both the deflector 10 and the guide platform are each associated with an actuating organ, e.g. a hydraulic unit.

However, neither document D1 nor any of the other documents cited in the search report or in the description discloses that the deflector is convex on its upper and lower sides and that the guide platform is concave in order to fit with the lower side of the deflector.

Document D1 discloses merely a straight shape for the deflector and guide platform. The same applies to documents D2 to D4. In document D5, only the deflector has a concave shape while the guide platform has a straight surface.

The advantage of the convex deflector shape lies particularly in the fact that, in the raised position, the deflector can press tightly against the upper conveyor roller in the manner of a scraper while the concave surface shape of the guide platform allows it to abut the deflector in a form-fitting and stabilizing manner so that there is a lower risk of a tear in the strip throughout the device as a whole.

Accordingly, the subject matter of claim 1 satisfies the requirements of PCT Article 33(2) and (3).

Claims 2-5:

Dependent claims 2-5 relate merely to particular embodiments of the invention which, on the basis of the aforementioned independent claim 1, likewise fulfill the above criteria.

Since the invention can be made and used in industry, it also satisfies the requirements of PCT Article 33(4).

Further Defects in the International Application

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.